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# SIDE-BAR

MARCH 2017

## THE MONTHLY NEWSLETTER OF THE HAMPSHIRE COUNTY BAR ASSOCIATION

15 GOTHIC ST., SUITE 10, NORTHAMPTON, MA 01060  
FAX: (413) 586-8729 ~ EMAIL: HCBA@CROCKER.COM  
WWW.HAMPSHIREBAR.ORG



## President's Message

Justice Gants of the Supreme Judicial Court recently invited the county bar association presidents, including yours truly, to Boston for a presentation on the budget priorities of the Court. Among them, not surprisingly, is digital filing (as in the federal court) which may be mandated in the state courts within the next two to four years. The overriding emphasis is effective access to justice for all litigants.

Some reminders: Lunch with federal Magistrate Judge Katherine Robertson is set for Wednesday, March 15<sup>th</sup> at Viva Pasta in Northampton.

A lunch with Superior Court Judge Rup is set for April 26<sup>th</sup> at 1:00 in the Old Superior Court in Northampton.

Finally, the District Attorney's office will face off against a team of bar association members and court officers in a game of dodgeball Wednesday March 15<sup>th</sup> at Allsport Soccer Arena in Northampton.

## March Luncheon with U. S. Magistrate Justice Robertson

The HCBA will host a luncheon meeting on Wednesday, March 15, 2017 from 1:00 – 2:00 p.m. at Viva Fresh Pasta, Main St., Northampton with Katherine A. Robertson, Magistrate Justice, U.S.D.C. in Springfield. The luncheon fee is \$25 pp. Please RSVP by March 10<sup>th</sup>!

IT'S TOO COLD FOR SOFTBALL, SO LET'S PLAY...



NWDA'S Office VS. HCBA & Courthouse Employees Dodgeball Tournament & Fundraiser (food collection) on Wednesday, March 15, 2017 at 5 p.m. at the Allsport Arena, 54 Old Ferry Rd., Northampton.

## Appreciation Thanks

"Thank you for the honor of receiving your annual award. The work that the Bar does day in and day out should be recognized. I appreciate working with all of you and I consider myself truly blessed and humbled by your pursuit of justice. Please extend my gratitude to all. Best, Kristy Paciorek"

## **Hampshire Judicial Schedules**

### *Northampton District Court*

3/13-16	Goggins
3/17	Connly
3/20	Connly
3/21	Connly, Smyth
3/22-23	Connly, O'Grady
3/24	Connly
3/27	O'Grady, Smyth
3/28	Goggins, Connly
3/29	Goggins, Smyth
3/30	Goggins, Connly
3/31	Goggins

### *Eastern Hampshire District Court*

3/13	Estes
3/14	Estes, Goggins
3/15	Estes, Ross
3/16	Ross, Sabbs
3/17	Shea
3/20	Estes, Ouimet-Rooke
3/21	Ouimet-Rooke, Poehler
3/22	Estes
3/23	Ouimet-Rooke, Sabbs
3/24	Estes
3/27-29	Estes
3/30-31	Poehler

### *Juvenile Court*

3/14	Belsky
3/15	Belsky, Collins
3/16	Belsky
3/17	Belsky, Phillips (B)
3/21-23	Belsky, Collins
3/24	Belsky
3/28	Collins
3/29-30	Belsky, Collins
3/31	Belsky

### *Superior Court*

March	Ferrara
April	Rup
May	Agostini
June	Carey
July	Carey
August	Carey
September	Ford
October	Carey
November	Carey
December	Carey

### *Housing Court*

3/13	Fields
3/20	Fields (AM)
3/27	No Judge

## **April Luncheon with Judge Rup**

The HCBA will host an informal luncheon with guest speaker Mary-Lou Rup, Associate Justice of the Superior Court on Wednesday, April 26, 2017 from 1:00 – 2:00 p.m. in the Old Superior Courtroom, Northampton.

The luncheon fee will be \$15.00 pp. RSVP by April 25<sup>th</sup>.

### **HCP Schedule**

The Hampshire Conciliation Program provides neutrals for conciliation services at the Probate and Family Court on Tuesdays, 1:30 – 3:30 p.m.

#### HCP Schedule:

3/14/17 - John Drake  
3/21/17 - Mary Ellen Niles Howard  
3/28/17 - Block Day  
4/4/17 - Valerie Botter  
4/11/17 - Devlin Farmer  
4/18/17 - Marianne Zurn  
4/25/17 - Block Day  
5/2/17 - Lisa Kent  
5/9/17 - Merry Nasser  
5/16/17 - Leslie Brown  
5/23/17 - Block Day  
5/30/17 - Mary Ellen Niles Howard  
6/6/17 - Diane Fernald  
6/13/17 - John Drake  
6/20/17 - Mary Ellen Niles Howard  
6/27/17 - Block Day

For more information, contact Jill Kelley at the Probate Court at (413) 586-8500, ext. 112. To volunteer, email [hcba@crocker.com](mailto:hcba@crocker.com).

### **Probate & Family Court Brown Bag Luncheon Meeting**

The Hampshire Probate & Family Court Brown Bag Luncheons are held on the 2nd Thursday of the month. The next meeting will be April 13<sup>th</sup> @ 1.

## **HPFC's Lawyer for the Day**

The Lawyer for the Day program schedule is the first and third Wednesday each month from 1 until 4 p.m.

#### Lawyer for the Day Schedule:

3/15 - David Sharp  
3/29 – Lisa Kent  
4/5 - Devlin Farmer  
4/19 - Jon Heyman  
5/3 - Miriam Bourke  
5/17 - Oran Kaufman  
5/31 - Mary Ellen Niles Howard  
6/7 - Leslie Brown  
6/21 - TBA

For more information, contact Maggie Mercier at the Probate Court at (413) 586-8500, ext. 125.

### **HPFC's FRSC Seminar**

The Family Resolutions Specialty Court will host a seminar on March 29<sup>th</sup> for all lawyers interested in representing clients in this Specialty Court. Attorneys who anticipate filing general or limited appearances, wish to represent children, and or provide out-of-court counsel o FRSC participants are encouraged to attend.

The non-traditional structure of FRSC required counsel to have a working knowledge of the FRSC policies and procedures. Topics will include and overview and philosophy of the FRSC model, the role of the attorney on the FRSC team, the role of the attorney in the Guided Interview and in the Court Conference, differences between FRSC and the traditional court process, relaxed use of the Rules of Evidence and ethical issues

## **Hampshire Judicial Schedules**

### *Probate & Family Court*

3/13	Fidnick, Crawford
3/14	Fidnick, Fuller
3/15	Fidnick
3/16-17	Fidnick, Dacyczyn
3/20	Fidnick, Crawford
3/21	Fuller
3/22	No Judge
3/23-24	Fidnick, Dacyczyn
3/27	No Judge
3/28	Fuller
3/29	No Judge
3/30-31	Dacyczyn
4/3	Fidnick, Crawford
4/4-5	Fidnick
4/6-7	Fidnick, Dacyczyn
4/10	Fidnick
4/11	Fidnick, Fuller
4/12	Fidnick
4/13	Fidnick, Dacyczyn
4/14	Fidnick, Crawford
4/17	HOLIDAY
4/18	Fidnick, Fuller
4/19-20	Fidnick
4/21	Fidnick, Crawford

Log on to  
<http://www.hampshireprobate.com/Calendar/JudicialCalendars.htm> OR  
<http://www.mass.gov/courts/court-info/trial-court/pfc/pfc-hampshire-calendar-gen.html>.

### ***Judicial Vacancies***

Instructions on how to apply:

<http://www.mass.gov/governor/administration/jnc/jncapp/>

Vacancies Open for Application:

<http://www.mass.gov/governor/administration/jnc/vacancies/vacancies-open-for-applications.html>.

### **Members on the Move**

Jaclyn S. Packard  
297 Pleasant St.  
Northampton, MA 01060  
Tel: (508) 882-1001  
Email: [packardlawoffice.com](mailto:packardlawoffice.com)

specific to FRSC.

Note below the training is 4 hours long for attorneys who would like to represent children in FRSC and have not had previous training in how to represent children. For other attorneys, the seminar is 3 hours long.

The training is Wednesday, March 29<sup>th</sup> in the All-Purpose Room at the Hampshire Probate and Family Court. 9-10 am Representing Children: 10-1 Representing Adults and Children. Please register by March 15<sup>th</sup> to [Noelle.stern@jud.state.ma.us](mailto:Noelle.stern@jud.state.ma.us). Please be sure to specify which time slot you will be attending.

### **Hampshire Probate & Family Court Bench/Bar Meeting**

The Hampshire Probate & Family Court Bench/Bar Committee meeting is scheduled for Monday, March 20, 2017 at 4:00 p.m. at the Probate & Family Court, Northampton.

If you have any agenda items or suggestions, please forward them to Noelle Stern at [noelle.stern@jud.state.ma.us](mailto:noelle.stern@jud.state.ma.us).

### **PACT & FTC Schedules**

#### **2017**

#### **PACT**

*Tuesdays*

April 25 & May 2

June 6 & 13

July 18 & 25

September 5 & 12

October 17 & 24

November 28 & December 5

#### **FTC**

*Mondays*

April 3 & 11 (Tuesday)

May 22 & 30 (Tuesday)

July 10 & 17

September 11 & 18

October 16 & 23

November 27 & December 4

For more information, please call (413) 586-4597 or log on to [www.hampshirebar.org](http://www.hampshirebar.org).

### **Only One Childhood (O1C)**

Only One Childhood is an educational program for parents who have completed either the PACT or FTC program. It focuses on assisting parents to improve their ability to work together in parenting their children, building on the skills explored in the earlier programs. The fee is \$395 pp.

#### **2017 O1C Schedule**

May 3, 10, 17, 24, 31 & Jun. 7

Sept. 6, 13, 20, 27, Oct. 4 & 11

Nov. 1, 8, 15, 29, Dec. 6 & 13

For more information, email [hcb@crocker.com](mailto:hcb@crocker.com) or call (413) 586-8729.

### **Probate & Family Court Department News**

The Probate and Family Court is pleased to announce the 2nd release of revised MUPC estate forms and instructions. The revised forms, except for the citations, will be posted on 2/17/2017 at <http://www.mass.gov/courts/forms/pfc/pfc-mupc-formsgeneric.html>.

The revised forms will be accepted for filing on or after the effective date of 3/1/2017. Current forms are available for use until 2/28/2017. The court will extend a 2-week grace period to accept current forms for filing until 3/15/2017.

The revised forms are the second of a two-part release of

## 2017 Holidays - Courts Closed

April 17<sup>th</sup> – Patriots' Day  
May 29<sup>th</sup> – Memorial Day  
July 4<sup>th</sup> – Independence Day  
September 4<sup>th</sup> – Labor Day  
October 9<sup>th</sup> - Columbus Day  
November 23<sup>rd</sup> – Thanksgiving  
December 25<sup>th</sup> – Christmas Day

### COPIER WANTED

We are in need of a desk top copier for the Juvenile and Housing Courts in Hadley. If you are upgrading office equipment and would like to donate your old (but still working) printer, contact the HCBA at [hcba@crocker.com](mailto:hcba@crocker.com) or 413-586-8729.

### Trainings

*Vivatrol Program, Level 3 Community Corrections Updates and more* with NDC CPO Jane Pendergast and John Leahy, C.C., Hampshire County Bar Advocates Program, March 16, 2017, 2-4 p.m., NDC

To RSVP, email  
[hcba@crocker.com](mailto:hcba@crocker.com)

\*\*\* TENTATIVE \*\*\* *Draeger Breathalyzer Decision*, with Joseph Bernard, March 21, 2017, 2-4 p.m., NDC ([Hampshire Adv.s/Atty.s Only](#))

To RSVP, email  
[hcba@crocker.com](mailto:hcba@crocker.com)

*Startup Workshop*, March 24, 2017, 1:30 – 4:30 p.m., Docket, Springfield, Free event.

To register log on to  
<http://masslomap.org/event/startup-workshop/>

*FRSC Attorney Seminar*, March 29, 2017, 9 a.m. – 1 p.m., All-Purpose Room, Hampshire Probate and Family Court, Northampton

To RSVP, email  
[Noelle.stern@jud.state.ma.us](mailto:Noelle.stern@jud.state.ma.us)

MUPC estate form changes to go into effect. All form changes are the result of a coordinated effort between the MUPC Procedures and MUPC Forms Committee.

### Hampshire Probate and Family Court Reception and Meeting

The Hampshire Probate and Family Court invites you to a Welcome Reception for New Category A CPCS Attorneys and an Adult Guardianship/Conservatorship Bench-Bar Meeting focused solely on adult guardianships and conservatorships. First Justice Linda S. Fidnick will discuss the importance of these cases and Court staff will address logistical information and emergency hearing protocols. Participants are also invited to raise any issues they would like addressed.

The event will take place in the All-Purpose room at the Hampshire Probate & Family Court on Friday, May 5, 2017 from 2:00 – 3:30 p.m.

Please rsvp and provide suggested agenda topics by Friday, April 28, 2017 by phone to 413-586-8500 x259 or by email to [noelle.stern@jud.state.ma.us](mailto:noelle.stern@jud.state.ma.us).

### News from EHDC

The Standing Judicial Order of the Belchertown District Court regarding Trial Readiness was updated on February 27, 2017 by Thomas H. Estes, First Justice of the Eastern Hampshire District Court. Please see the attachment included.

### News from NDC

The PROPOSED Jury Sessions in NDC for the months of July and August are July 24-27, July 31 – August 3, August 21-23 and 28-30.

### Trial Court Attorney Portal, E-Filing & Other Updates

“Attorney Portal Subscribers:

#### *Attorney Portal*

We recently introduced changes to the Attorney Portal to improve performance and additional changes are coming soon. We have been working with Court Departments to close older cases. If you want to see all of your cases in the Attorney Case List, just uncheck the "Pending Cases Only" check box in the filter at the left of the Cases List display. The initial default case list will be a list of pending cases only.

District Court Criminal cases have been added to the portal and BMC Criminal will be added soon.

#### *Public Internet Portal*

Superior Court Criminal cases have been added to the Public Internet Portal and are only available for searching by docket number or case type within a 30-day date range.

#### *Electronic Case Filing*

The Courts e-filing pilots have concluded and the expansion of e-filing will begin soon. Statewide implementation of civil e-filing will proceed by geographic region and by specific case types. If you would like to receive periodic updates on



## Trainings (cont.)

13<sup>th</sup>: *Movie Matinee*, Hampshire County Bar Advocates Program, April 13, 2017, 2-4 p.m., NDC

To RSVP, email [hcba@crocker.com](mailto:hcba@crocker.com)

*Social Justice Mediation Training*, May 8-12, 2016, UMASS, Amherst

To register or more information, log on to <http://www.sjmediation.org>.

*Turning the Kaleidoscope of Family Conflict into a Prism of Harmony*, AFCC's 54<sup>th</sup> Annual Conference, May 31 – June 3, 2017, Sheraton Boston Hotel, Boston

To register or for more information, log on to *Turning the Kaleidoscope of Family Conflict into a Prism of Harmony*, AFCC's 54<sup>th</sup> Annual Conference, May 31 – June 3, 2017, Sheraton Boston Hotel, Boston

To register or for more information, log on to <http://www.afccnet.org/Conferences-Training/AFCC-Conferences/ctl/ViewConference/ConferenceID/92/mid/615>

## Law Day Volunteers Needed

The 2017 Law Day theme is the 14<sup>th</sup> Amendment: Transforming American Democracy. We are looking for volunteers to make presentations in the Hampshire County high schools during the first week of May. The Law Day Committee is currently preparing the presentation for the schools.

If you are interested in volunteering, please email [hcba@crocker.com](mailto:hcba@crocker.com).

e-filing, you are welcome to join our e-filing news list serve by sending an email to [efilenews-join@jud.state.ma.us](mailto:efilenews-join@jud.state.ma.us)

*Attorney Push Service Partnership with Equivant*

We are pleased to announce that the Massachusetts Trial Court has worked with Equivant (our Case Management Vendor) to provide you with real-time filing notifications, orders entered in your court cases, and updates to your court schedules through the [CV2Go](#) notification service. CV2Go is a product of Equivant (formerly CourtView Justice Solutions), and is integrated with the MassCourts case management system to automatically send case update alerts to any subscribed mobile device or email address.

As a CV2Go subscriber, you may choose how to be notified. If your schedules and cases span multiple courts, CV2Go automatically consolidates this information and alerts you by:

- Email and Calendar Feed (iCal)
- Mobile Apps (iOS, Android)
- CV2Go Portal ([www.mycv2go.com](http://www.mycv2go.com))

CV2Go is offered by Equivant as a subscription service for \$300 per annum for an individual attorney, with discounts available when multiple attorneys within the same firm are registered together.

This announcement is offered for your information and not as a solicitation or an endorsement of CV2Go or any other product.

For more information please visit <http://www.equivant.com/cv2go-attorney>. There is also an FAQ available at <http://www.equivant.com/cv2go-faqs>."

## 2017 MA Guide to Evidence

The 2017 edition of the Massachusetts Guide to Evidence is available at <http://www.mass.gov/courts/case-legal-res/guidelines/mass-guide-to-evidence/>

## Superior Court Department News

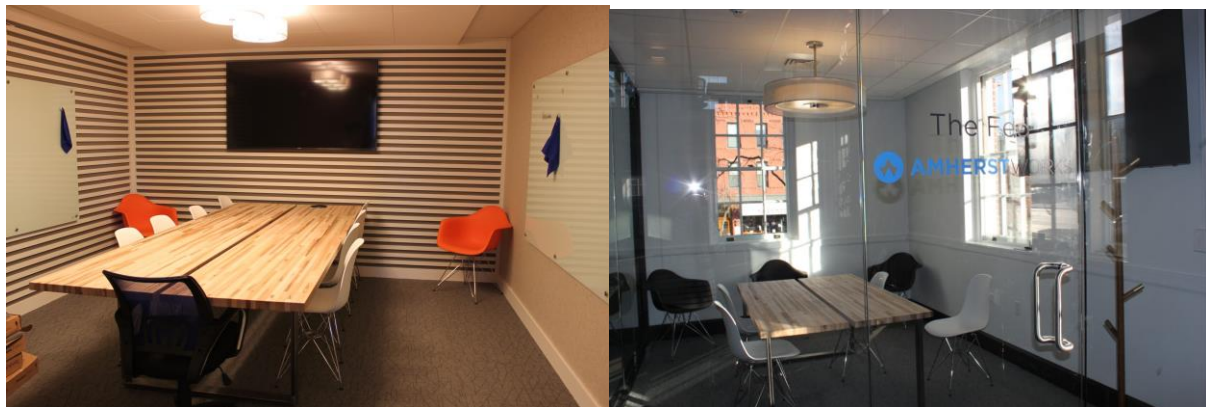
The Superior Court has revised the administrative directive relating to the Business Litigation Sessions. Superior Court Administrative Directive No. 17-1: Superior Court Business Litigation Sessions, supersedes Superior Court Administrative Directive No. 09-1, effective March 1, 2017. Log on to <http://www.mass.gov/courts/court-info/trial-court/sc/new-superior-court-administrative-directive-no-17-1-superior-court-business-litigation-session.html> for more information.

## Congratulation Jesse Adams

Attorney Jesse M. Adams has been chosen as an honoree at the annual "Excellence in the Law" event presented by Massachusetts Lawyers Weekly for his accomplishments in the legal community.



AmherstWorks is professionally managed, 24/7 co-working space in downtown Amherst with private spaces available to accommodate different types of meetings and events including depositions, video conferences and board meetings.



Our spaces come with a host of features including:

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This is the perfect venue for hosting private meetings at an independent and dependable site in a central location. Visit [amherstworks.io](http://amherstworks.io) to book online.

**Mythreyi Krishnan**  
**Membership Manager**  
**AmherstWorks**  
**11 Amity Street**  
**Amherst, MA 01002**  
**413.461.0665**

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## Membership Benefits

Membership Benefits, an initiative by the Executive Committee includes the following businesses that will provide discounted services:



Discounts include 10 % off the following services:

- Court Reporting
- Videoconferencing
- Digital / Phone Dictation and Transcription
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To receive your benefit, contact Dean Whalen at [Dean.Whalen@sten-tel.com](mailto:Dean.Whalen@sten-tel.com) or call (888) 228-8646, ext. 19269 or visit One Monarch Place, 1414 Main St., Springfield, MA 01144.



Amherst Copy & Designworks offers:

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- Free pick-up and delivery to anywhere in Hampshire County

To receive your benefit, contact Sean Cleary at [happiness@amherstcopy.com](mailto:happiness@amherstcopy.com) or call (413) 549-2854 or visit them at 37 E. Pleasant St., Amherst, MA 01002.



[eLuminate](#) is an easy-to-use, web-based client management software designed to help legal professionals save time, be more efficient and better their practice. All members of the Hampshire County Bar Association are eligible for a FREE 3-month trial of eLuminate for unlimited users (\$150+ value). We always provide free training and technical support. No commitment required.

Contact us at 857-366-7630 or [eluminate@egenerationinc.net](mailto:eluminate@egenerationinc.net) to learn more and get started with your free trial.



MillBrook is offering Hampshire County Bar Association members a 10% discount on the following disability income insurance products through Principal Financial Group:

- Disability income insurance
- Retirement protection
- Buy-sell funding
- Business overhead protection

Members can contact Pete Miller at MillBrook Benefits and Insurance Services, LLC at (866) 724-0008 or by email at [pete@millbrookbenefits.com](mailto:pete@millbrookbenefits.com).



**Help is on the way!**

TechCavalry, a division of IBS, offers a waiver of their trip charge for any service visit to the office of an HCBA member based in Hampshire County for on-site service requests, a \$35 value. HCBA members must identify their HCBA membership and request the discount when they call for service. TechCavalry provides "Fast, reliable, affordable, and on demand IT solutions that meet the needs of small office and home office customers - we're there when you need us - Help is on the Way!"

Telephone number: 413-586-7070 and the web site: [www.techcavalry.com](http://www.techcavalry.com).

*If you have any businesses you would like us to contact, please email your suggestions to [hcba@crocker.com](mailto:hcba@crocker.com).*

February 27, 2017

To: All District Court Staff, Assistant District Attorneys, Bar Advocates, Public Defenders,  
and Private Attorneys

From: Thomas H. Estes, First Justice  
Eastern Hampshire District Court

**Standing Judicial Order of the Belchertown District Court regarding Trial Readiness**

1. All cases scheduled for a jury trial shall also be automatically scheduled for a Trial Readiness Conference (TRC) at 10:00 a.m. on the Wednesday the week before trial.
2. The purpose of the Trial Readiness Conference is to determine which cases are expected to actually proceed trial. The goal is to allow attorneys to focus on trial matters and to enable the Court to avoid needlessly bringing in witness and jurors.
3. All attorneys with a matter scheduled for trial are required to attend.
4. All defendants are required to attend.
5. All substantive pre-trial motions must be filed with the court one week in advance of the TRC. Such motions include, but are not limited to, motions to admit excited utterances, motions to admit prior or subsequent bad acts, motions to preclude impeachment with prior convictions, and motions to admit or preclude the admission of any proposed evidence. This does not include boiler-plate motions such as motions to sequester witnesses or to exclude the results of the HGN test.
6. In an effort to expedite cases, motions for the appointment of counsel to ascertain 5<sup>th</sup> Amendment rights or marital privileges should be filed and heard at a pretrial conference prior to the TRC. Any witness asserting a privilege will be excused from appearing for trial. This will give the Commonwealth time to decide whether it intends to attempt to proceed with any excited utterances. Motions to admit excited utterances will be heard at the Trial Readiness Conference.
7. To determine, prior to trial, whether a witness intends to assert a 5<sup>th</sup> Amendment or marital privilege, either party may summons the witness to a pretrial conference or the TRC. Such summonses must be issued in good faith. Abuse of this process will result in appropriate sanctions.
8. The TRC is the last opportunity to execute a jury waiver and request a bench trial. The Court will endeavor to honor the original trial date and schedule the bench trial on that same date, or, if requested, on a different date at the convenience of the parties.
9. If the Defendant tenders a plea on the day of trial and it is not accepted by the Court, the case will proceed to trial that day. Defense counsel are encouraged to bring such cases forward to offer a plea prior to the trial date.
  
10. On the day of trial, the jury trial will take priority. Normally, pleas will be heard after closing and charge.

By Order of the Court,



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Thomas H. Estes  
First Justice of the Belchertown District Court